

# MANUAL TRANSMITTAL

Arkansas Department of Health and Human Services  
Division of Children and Family Services (DCFS)

{ } Policy { } Form {X} Policy Directive  
Service Programs Policy Manual

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From: Pat Page, DCFS Director

**Subject: Executive Directive: Policy Revisions - Title IV-E State Plan 2007 (AMENDED)**

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This Executive Directive (ED) 2007-05 outlines several revisions (in **bold**) affecting DCFS Policy and Procedures that were included in the 2007 DCFS IV-E State Plan that was submitted May 22, 2007. This amendment to ED 2007-05 adds an additional requirement for Family Service Workers (FSW) who conduct a home study for an ICPC case (See section: Timely Interstate Placement, below on page 2).

## **Foster Care Maintenance Payments (Policies III-A and VII-E)**

The Fair Access Foster Care Act permits foster care maintenance payments to be paid to a for-profit child placement agency or childcare agency on behalf of eligible children. States may claim the payments if the child is in a licensed or approved:

- **Childcare institution, public or private child placement or childcare agency;** payments must be limited to payments for only those items included in the term “foster care maintenance payments”.
- Foster family home of an individual, whether the payments are made to such individual or to a **public or private child placement child care agency.**

## **Case Plan (Policy/Procedure IV-A1)**

Case Plan Legislation requires inclusion of the **most recent information available** regarding health and education records of the child (rather than the previous requirement to include such information to the extent available and accessible).

Case Plan Legislation requires case plan documentation of child specific recruitment efforts made by the state to facilitate **orderly and timely** in-state and out-of-state placement.

- If the child has been placed in foster care in a state outside the state in which the child’s parent(s) are located, the case worker of either state is required to visit the foster home or institution **no less frequently than every six (6) months.**

## **Permanency Hearing (Policy VI-F)**

The Child and Family Services Improvement Act mandates that states have procedural safeguards in place for permanency hearings.

- **Any permanency hearing, including one regarding the transition of the child from foster care to independent living, shall have procedural safeguards applied to assure the court or administrative body consults age-appropriate children about their proposed permanency or transition plans.**

## **Health and Education Records (Policy VIII-B)**

New case review legislation requires the Family Service Worker (FSW) to provide a **youth with a copy of his/her health and education records at no cost when he/she leaves foster care after attaining the age of majority under state law.** The FSW must document in the case record that copies were provided.

## **Notice to be Heard (Policies/Procedure IIE-10, VI-F, VII-B, and VII-F)**

New case review legislation provides the child’s foster caregiver with notice and the **right** to be heard in any foster care proceeding concerning the child (as opposed to the previous requirement for an **opportunity** to be heard). However, the notice and right to be heard do not make the foster caregiver a party to the proceeding.

### **Preventive and Reunification Services (Policy VI-F)**

The Safe and Timely Interstate Placement of Children Act holds states accountable for safe and timely placement of children into safe, permanent homes across state lines.

- **In- state and out-of-state options, including interstate placement if appropriate, will be considered when making reasonable efforts to place the child in accordance with the permanency plan. The court must determine whether placement continues to be appropriate and in the best interest of the child if the child is in an out-of-state placement.**

### **Timely Interstate Placement (Policies VI-G, VI-G3, Vi-G4, and VI-G7)**

States are required to have procedures in effect for **orderly and timely** interstate placement of children.

Receiving states are required to complete, report, and return the results of a home study **within sixty (60) calendar days** after they receive a request from another state. Only those parts of the home study involving education and training of prospective foster and adoptive parents are exempt from the 60 day requirement. A report still pending education and training information will be considered preliminary. The DCFS FSW conducting the home study **will** submit the completed or preliminary report to the ICPC Unit in Central Office **not later than** close-of-business on the fifty-fifth (55<sup>th</sup>) day.

- **If the receiving state fails to complete the home study within the 60 day time period due to circumstances beyond that state's control, the receiving state may have an additional 15 days to comply with the request only if those circumstances are documented and the state certifies that completion of the home study is still in the best interest of the child.**
- **Any report from another state/Indian tribe/private agency under contract with the receiving state will meet all requirements imposed by the sending state for completion of the home study. This will be done unless, within fourteen (14) days of receipt of the report, the sending state determines that making a decision (based on specific grounds in the report) would be contrary to the welfare of the child.**

### **Safety Requirements (Policy/Procedure VI-A, VI-A1, VII-A, VIII-F, VIII-F1, VIII-G, an VIII-G2)**

The Adam Walsh Child Protection and Safety Act outlines new procedures for conducting criminal background checks of prospective foster and adoptive parents. The Act also outlines new procedures for child abuse and neglect registry checks for prospective foster and adoptive parents as well as adult members of their household.

- **The state shall check all appropriate child abuse and neglect registries for information on any prospective foster or adoptive parent and any member age ten (10) or older living in that home prior to final approval for placement. The state must request any other state in which the prospective parent or other adult has resided in the preceding five (5) years to check any child abuse and neglect registry it maintains. The state must also comply with any request received from another state to check its own child abuse and neglect registry.**
- **Criminal checks shall include fingerprint-based checks of national crime information databases on any prospective foster or adoptive parent and any other adult (eighteen {18} years of age and older) living in that home before that home may receive final approval for placement of a child. This is to be done regardless of whether adoption assistance payments are to be made on behalf of the child.**

**Note: The FSW should conduct the FBI fingerprint check immediately AFTER the results of the criminal record check have been received but may refer the family to training prior to receiving the FBI check results.**

**THIS EXECUTIVE DIRECTIVE IS EFFECTIVE IMMEDIATELY.**

**Submit Inquiries to: DCFS Policy Unit, phone (501) 682 – 8451**